

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BOBBIE TORRY,

Plaintiff,
v.

SEAN SALTER, Administrative Captain,
MARY LEISER, Advocate and
GREGORY GRAMS, Warden,

Defendants.

ORDER

10-cv-378-slc

In an order signed on July 19, 2010 plaintiff was assessed a \$103.63 initial partial payment of the \$350 filing fee for this case. On July 29, 2010, the court received plaintiff's initial partial payment of \$103.63. Now plaintiff requests that the remaining \$246.37 filing fee that he owes in this case be taken from his release account.

Unfortunately, plaintiff cannot use his release account funds in this manner. The language in 28 U.S.C. § 1915(b)(1) states that prison officials are required to use a prisoner's release account to satisfy an *initial partial payment* if no other funds are available. *Carter v. Bennett*, 399 F. Supp. 2d 936, 936-37 (W.D. Wis. 2005). However, with the exception of initial partial payments, I do not have the authority to tell state officials whether and to what extent a prisoner should be able to withdraw money from his release account. Because plaintiff cannot use his release account funds to pay the remaining balance of the \$350 filing fee, I will deny his request.

ORDER

IT IS ORDERED that plaintiff Bobby Torry's request to use his release account to pay the remaining filing fee in this case, dkt. 6, is DENIED.

Entered this 29th day of October, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge